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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,367	05/08/2001	Glenn Eric Bailey	ZL327-01008	2375

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EXAMINER

ZEADE, BERTRAND

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,367

Applicant(s)

BAILEY ET AL.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 08/26/2003 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholl et al. (U.S. 4,177,500) in view of Usher et al. (U.S. 6,170,967).

Nicholl ('500) discloses a power failure light and circuit having:

Regarding claim 1, a housing (2); a battery (6); a charging/emergency switching circuit (7) connected to the battery (6); a directional lamp (3 or 17) mounted within the housing (2), the lamp (3 or 17) being electrically connected to the battery (6) through the charging/emergency circuit (7); and a cover or lens (45) having opening to allow light from the directional lamp (3) to be directed therethrough.

Regarding claim 25, a shallow rectangular shaped housing (2) having a bottom wall, a back wall, and an open front, the bottom wall having an opening along the intersection of the bottom wall and the back wall; and a battery box (6)

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having a front wall, a back wall, side wall extending between the front around the upper edge of the front and side walls (see figs. 1-4).

Regarding claim 28, at least one battery (6); a battery (6) box having walls for containing the battery (6) and an opening for receiving the battery (6); a housing (2) having walls (not numbered) defining a chamber and an open front, one of the walls having an opening, the housing (2) and the battery box (6) being attached such that the housing (2) wall opening is in alignment with the battery (6) box opening; a charger chassis having a charger/emergency switching circuit (7) mounted thereto, the charger chassis being received within and attached to the housing over the battery (6) box opening such that the charger chassis provides a barrier between the housing (2) chamber and the battery (6); a lamp (3) electrically connected to the battery (6) through the charger/emergency switching circuit (7), the lamp (3) also being received within the housing (2); and a cover or lens (45) closing the housing (2) open front, the cover (45) having a light exit aperture positioned to allow light from the lamp (3) to illuminate an area external to the luminaire.

Nicholl ('500) does not disclose a directional lamp.

Usher ('967) discloses a miniature lighting apparatus having:

Regarding claims 1, 25, 28, Usher ('967) discloses a directional lamp (16/14).

Regarding claim 2, a reflector assembly mounted within the housing (16) along the light path between the directional lamp (14) and the cover or lens (45)

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opening, the reflector assembly (27) having a reflective surface which redirects a portion of the light emitted from the directional lamp (14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the power failure light and circuit therefor of Nicholl ('500) with the directional lamp taught by Usher ('967) for the benefit and advantage to provide miniature lighting apparatus suited to point-of-purchase displays, because the miniature lighting apparatus eliminates conventional electromechanical connection between lighting fixtures and the conventional on-off electromechanical switches.

2. Claim 10-13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Compton (U.S. 4,231,080)

Compton ('080) discloses a luminaire with reflecting louvers having:

Regarding claim 10, a housing (10); a lamp (107) mounted within the housing (10), the lamp (107) being aimed at the oblong shaped area (see figs. 3-5); a cover (111) having an opening (112) to allow light from the lamp (107) to be directed toward the oblong shaped area; and a reflector assembly (72) mounted within the housing (10) along the light path between the lamp (107) and the cover (111) opening (112), the reflector assembly being substantially semi-frustoconical in shape oriented with a wide end proximate to the lamp (107) and having a reflective surface which redirects a portion of the light emitted from the lamp toward the oblong shaped area.

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Regarding claim 11, the reflector assembly (72) has a plurality of planar reflecting surfaces which approximate the semi-frustoconical shape (see figs. 2-3).

Regarding claim 13, the central reflector section has a plurality of reflecting surfaces (52-57) which direct light to specific regions in the oblong shaped are (see figs. 2-5).

Regarding claim 12, the reflector assembly (72) has a central reflector sections (21-23), the central reflector section (21/23) sloping downward from the top of the directional lamp (107) to the cover (111) opening (112), the side reflector sections (21, 23) located on either side of the central reflector section (22), the reflector sections (21, 23) sloping downward and outward from the central reflector section to the cover opening.

Regarding claim 15, the cover opening is circular, the reflector assembly is in a fixed relation with the directional lamp (12), and the reflector assembly further has a circular front edge which is rotatably engaged by the cover (111) along the circular opening (112), whereby an alternate area may be illuminated by rotating the reflector assembly (72) and the directional lamp (107) with respect to the cover (111).

Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Gromotka (U.S.6,164,802).

Gromotka ('802) discloses a stackable housing having:

Regarding claim 27, a front portion, the front portion to lie substantially in the plane of the wall or ceiling (105); at least one side wall having a front edge

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(see figs. 1, 4-5) lying along the front portion, the side wall having a thickness gauge or bend (155) form on the outside surface or ceiling (105) thereof, the thickness gauge indicating distance from the front edge; and a plurality of break-away tabs (735 and 740) located around the periphery of the front portion, the tabs (735 and 740) extending outward along the plane of the front portion (fig. 12).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-13, 15, 21, 24, 26, 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholl ('500) in view of Enaka et al (U.S.4,614,996) and Usher et al. (U.S.6170967).

Nicholl ('500) discloses the claimed invention except for a semi-frustoconical in shape, a second reflector assembly and second opening.

Enaka ('996) discloses a ceiling illumination apparatus having:

Regarding claim 3, the reflector assembly is substantially semi-frustoconical in shape (36) and is oriented with a wide end proximate to the directional lamp (42).

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Regarding claim 4, the reflector assembly has a central reflector section surfaces (36) which approximate the semi-frustoconical shape.

Regarding claim 5, the reflector assembly (36) has a central reflector sections, the central reflector section (36) sloping downward from the top of the directional lamp (50/80) to the cover or glass bodies (44) opening, the side reflector sections (40) located on either side of the central reflector section (36), the reflector sections (40/36) sloping downward and outward from the central reflector section to the cover opening (see fig. 3).

Regarding claim 6, the central reflector section (36) has a plurality of reflecting surfaces (60,64,38,40,36,46) which redirect light (42/76/50) to specific regions.

Regarding claim 7, the unit equipment luminaire (14) having a louver lens placed in the light path between the directional lamp and the cover opening.

Regarding claim 8, the cover opening or shoulder (38) is circular, the reflector assembly (42) is in a fixed relation with the directional lamp (50/80), and the reflector assembly (46) further has a circular front edge which is rotatably engaged by the cover along the circular or shoulder.

Regarding claim 9, as shown in (fig. 3) a second lamp (50) mounted within the housing (46), the second lamp (80) being electrically connected to the battery or power source (97) through the charging/emergency switching circuit or control unit (95); a second reflector assembly (46) mounted within the housing along the path between the lamp (50) and the cover opening or glass (44), the reflector assembly (60) having a circular front edge and a reflective surface which

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redirects a portion of the light emitted from the second lamp (76); the cover further having a second circular opening which rotatably engages the second reflector assembly circular front edge (see figs. 3).

Regarding claim 21, Nicholl ('500) discloses in figs. 1-4): a housing mounted behind an opening or lens (45) in the plane of the wall; a battery (6); a charging/emergency switching circuit (7) electrically connected to the battery (6); a wall mounted lens (45) having a collecting reflector (not shown); a directional lamp (3) mounted within the housing (1), the directional lamp (3) being located at the reflector assembly wide end (not shown) and aimed generally toward the collecting reflector, the directional lamp (3) being electrically connected to the battery (6) through the charging/emergency switching circuit (7); and a cover or lens (45) mounted over the wall opening, the cover (45) having an opening to allow light from the collecting reflector (not shown) to exit the housing.

Regarding claim 24, the collecting reflector (36) is concave shaped and extends from the top of the wide end of the reflector assembly to the bottom of the narrow end of the reflector assembly, the collecting reflector (36) having an inner edge (38) which follows the curvature of the reflector assembly and an outer edge (52) which extends outward from the plane of the wall a distance proportional to the inward extension of the inner edge (see fig. 3).

Regarding claim 26, Nicholl ('500) discloses in figs. 1-4) a shallow rectangular shaped housing having bottom wall, and side wall, the bottom wall having an opening (17) along the intersection of the bottom wall and the back wall, each side wall having an inward projections which is parallel with the

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housing (1) bottom wall thereby forming a channel between the projection and the bottom wall; a battery box (6) having a front wall, a back wall, side wall (Not shown) extending between the front wall and the back wall, and an open top, a flange extending around the upper edge of the front and side wall, and a wedge shaped protuberance extending outward and upward from the flange, the back wall extending upward above the upper edge of the front; and a thin rectangular chassis for supporting charger/emergency switching circuit (7), the chassis having a tenon type (not shown) projecting along a back edge of the chassis of housing (2); the battery box (6) being received within the housing (2) bottom wall opening (17) such that the bottom wall of the battery box (6) flange contacts the inner surface of the housing (2) bottom wall along the periphery of the bottom opening; the chassis being received within and attached to the housing over the battery box opening such that the charger chassis provides a barrier between the housing (2) chamber and the battery; a lamp (3) electrically connected to the battery (6) through the charger/emergency switching circuit (7), the lamp (3/17) also being received within the housing (2); and a cover or lens (45) closing the housing (2) open front, the cover (45) having a light exit aperture positioned to allow light from the lamp (3) to illuminate an area external to the luminaire.

Regarding claim 30, Enaka ('996) discloses the first and second reflector (36,38,46) assembly (36,38,46) are rotateably mounted on the cover (44).

Regarding claim 31, Enaka ('996) discloses the first and second reflector (36,38,46) assembly (36,38,46) have a central reflector section (22/54) and a first and reflector section, the central section extending from the cover (45) to the

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directional lamp (42/76), the first and second side reflector sections extending upwardly from the central reflector section to the cover (44) opening.

Regarding claim 32, the first reflector and second reflector assembly (51-52/21,23) are semi-frustoconical.

Regarding claim 33, the first reflector and second reflector assembly (51-52/21,23) each has a collecting reflector formed therein.

Regarding claim 34, Nicholl ('500) discloses a housing (2), a battery box (6) retained in the housing (2) a switching circuit (7), a first reflector assembly removable reflector assembly rotatably mounted on a cover (45) attached to the housing, the first reflector assembly (51,-52/21,23) having a first reflector formed therein, the first reflector assembly having a first lamp (3), the first reflector electrically connected to the battery (6) by the switching circuit (7).

Regarding claims 35-37 Enaka ('996) discloses the first assembly (36) has a light exit aperture (44) and where the second reflector assembly (38) has a light exit aperture (44), the first and second reflector assembly being frustoconical and sloping downward from the exit aperture to the first lamp, the second reflector of the second reflector assembly being frustoconical and sloping downward from the exit aperture to the second lamp (see fig. 3).

Regarding claim 36, each of the first and second reflector assembly has a generally concave collecting reflector extending to an exit aperture, the collecting reflector emitting light through the exit aperture in an elongated area shape (fig.3).

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Regarding claim 37, the battery box or power source (97) is retained within an aperture in a side wall of the housing (see fig. 3).

Regarding claim 38, on the other hand Nicholl ('500) discloses the cover (45) further has a peripheral outer edge designed for recess mounting of the luminaire in a wall, the cover (45) mounted on an exterior surface of the wall, the housing (2), battery box (6) and switching circuit (7) maintained on an interior surface of the wall (see figs. 1-3).

Regarding claims 29 and 34, Enaka ('996) discloses a second opening, a second reflector assembly (51-52) in the second opening of the cover, and wherein the second reflector assembly has a second directional lamp (42/76), the first and second directional lamp electrically connected to the battery or power source (97) through the switch circuit or control unit (95).

Nicholl ('500) does not disclose a directional lamp.

However, Usher ('967) discloses a directional lamp (14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the power failure light and circuit thereof of Nicholl ('500) with the directional lamp taught by Usher ('967) and the semi-frustoconical in shape, the second reflector assembly and second opening disclosed by Enaka ('996) for the benefit and advantage to provide miniature lighting apparatus suited to point-of-purchase displays, and a ceiling illumination apparatus of a room in which a wall of the ceiling has a large number of recessed wall portions formed therein in a honeycombed manner, thereby forming a projecting wall portions between corners of the adjacent recessed wall portions, because the miniature

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lighting apparatus eliminates conventional electromechanical connection between lighting fixtures and the conventional on-off electromechanical switches, and because a plurality of illumination means for electrically illuminating corresponding recessed wall portions are provided through supporting means having a generally funnel-shaped reflector including coaxial, annular shoulders formed in it to circumferentially extend around it, so that every portion of glass bodies are illuminated from inside.

2. Claims 14, 20, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholl ('500) in view of Enaka et al (U.S.4,614,996) as applied to claims 10, 21 and 16 above, and further in view of Compton (U.S.5,486,989).

3. Nicholl ('500) in view of Enaka et al (U.S.4,614,996) disclose the claimed invention except for a louver lens.

Compton ('989) discloses a luminaire with modular louver shields having:

Regarding claim 14, the luminaire having a louvered lens (8) placed in the light path between the directional lamp (1) and the cover opening (see fig. 1a).

Regarding claim 20, the unit equipment luminaire (1) having a louver lens (8) placed in the light path between the directional lamp (1) and the cover opening (see fig. 1a).

Regarding claim 22, the reflector assembly (6) has a plurality of planar reflecting surfaces which approximate the semi-frustoconical shaped (col. 4, lines 36-47).

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Regarding claim 23, the reflector assembly has a central reflector sections, the side reflector sections located on either side of the central reflection section (46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the ceiling illumination apparatus of Nicholl ('500) in view of Enaka et al ('996) with the louver lens disclosed by Compton ('989) for the benefit and advantage to provide louvers disposed as horizontal bands are placed on the outside of the lens and control the vertical flow of light, so that the luminaire does not create glare in pedestrians eyes.

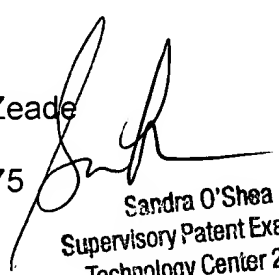
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on 8:00 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Bertrand Zeade
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800